

Town of Provincetown
Provincetown Public Pier Corporation
Open Meeting Minutes

Meeting time and date: 3:05 pm August 2, 2003

Meeting location: Provincetown Police Station

PPPC Members present: Joyce Guide, Robin Haueter, George Hitchcock, Nancy Howard, Martin Michaelson

Also Present: Rex McKinsey, Pier Manager

Motion to go into Executive Session to discuss sublease negotiations:

Motion: Martin Michaelson
Second: Nancy Howard
Vote: 5-0

Motion to leave Executive Session to go to Open Meeting:

Motion: Robin Haueter
Second: George Hitchcock
Vote: 5-0

Contracts and Agreements

The Board discussed the berthing agreement with Bay State Cruises, with Martin Michaelson posing questions he will discuss with PPPC Attorney Uchill regarding the Town's and the PPPC's positions in this contract.

The Board discussed the custom of all Board members signing contracts and will ask for clarification from Attorney Uchill regarding the legal aspect in an effort to expedite the conclusion of contracts.

The Board heard and discussed Rex McKinsey's presentation of the changes proposed by Steve Melamed for Bayside Betsy's/Modern Continental for the berthing agreement for The Boat. These changes involved lengthening the time of operating at the Pier to October 1st, language in the contract referencing "adult entertainment", and the placement of a ticket booth at the Pier.

Motion that Pier Manager instruct our tenant, The Boat, to turn off his music system while at the pier according to the requirement of the pending agreement:

Motion: Robin Haueter
Second: Martin Michaelson
Vote: 4-1
Voting in favor: Haueter, Hitchcock, Howard, Michaelson
Voting in opposition: Guide

Motion that the PPPC Board in principle approve the placement by the tenant, The Boat, of a ticket booth at the float space 1W on the Pier, for as long as the tenant has the contractual right to have The Boat at the Pier, subject to the approval of the design of the booth by George Hitchcock & Robin Haueter. The booth may not promote any other business other than The Boat:

Motion: Martin Michaelson

Second: Robin Haueter
Vote: 5-0

Motion that we extend the lease for the tenant, The Boat, for an additional month, for an additional \$1000:

Motion: Nancy Howard
Second: Martin Michaelson

Discussion of the Motion included Joyce Guide's and George Hitchcock's concerns for the amount of money we charge The Boat, Martin Michaelson pointing out that there were distinct differences between the functions of whale watch boats and a dinner cruise, also remarking that the music at the Pier was loud and offensive, Robin Haueter's position that The Boat is very close to operating as a "Booze Cruise" which is not permitted at the Pier, Nancy Howard's position of noise as being a central issue, specifically music playing at the Pier being a violation of the pending agreement. Members' discussion weighed these issues in conjunction with wanting to take an encouraging, business-like stance to a tenant at the Pier.

Vote: 3-2
Voting in favor: Haueter, Howard, Michaelson
Voting in opposition: Guide, Hitchcock

Motion that the PPPC eliminate any references to "adult entertainment" or "adult newspaper" in the lease between Bayside Betsy's/Modern Continental and the PPPC:

Motion: George Hitchcock
Second: Nancy Howard
Vote: 5-0

In the matter of the Kalmar Nickel, the Board discussed the benefits of a schooner that would attract people to the Pier, while noting that they are profiting from sales of T-shirts being sold from a table at the Pier.

Motion that we get back to the Kalmar Nickel and that we give them the rate of \$500/week, provided that the size of the table is acceptable to the Pier Manager and that the merchandise sold relates only to the Kalmar Nickel:

Motion: Nancy Howard
Second: Robin Haueter
Vote: 5-0

Rex Mckinsey reported that in the matter of Family Pride Weekend and Volvo parking promotional cars at the Pier, that they have accepted the price offer of \$2000 and they are all set to go.

Pushcart Ban by the Town

A memo from the Town proposing to ban pushcarts will be reviewed by Robin Haueter.

Martin Michaelson noted that the Pier is the only part of town where pushcarts are the only practical way to provide services to the people located there.

East Floating Docks

Robin Haueter presented the drafts of two motions on changes to East Floating Dock arrangements and rates.

Motion to allow the Pier Manager, at his discretion, to approve assignments for multiple boats to occupy a single slip space on the East Floating Docks, provided that the total dockage fees for such a shared slip always equal or exceed the fees charged for a single 40-foot boat:

Motion: Robin Haueter

Second: Nancy Howard
Vote: 5-0

Motion to allow the Pier Manager, at his discretion, to apply the current East Floating Docks per-foot dockage rates to additional berthing space, not to exceed 10, adjacent to the 40 slips of the East Floating Docks without the requirement of the 40-foot minimum, subject to the assurance from the Town's Director of Public Works that so proceeding is consistent with the applicable permits:

Motion: Robin Haueter
Second: Nancy Howard
Vote: 5-0

Commercial Fishermen Definition

Joyce Guide presented a statement, composed by the fishermen, that comes from the Draft Lease, regarding the definition of Commercial Fishermen.

Robin Haueter spoke in favor of forming a subcommittee to research the range of definitions in order that the Board could have a structured, informed discussion of the issue.

Motion that the Board establish a subcommittee to research the definitions of Commercial Fishing in use today:

Motion: Robin Haueter
Second: George Hitchcock
Vote: 5-0

Robin Haueter and George Hitchcock have volunteered to work on researching the definitions of Commercial Fishing.

Approval of Minutes

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Motion to approve the June 18th Open Meeting Minutes, with the amendment "the preparation of the July 7th Hearing Notice":

Motion: Nancy Howard
Second: Robin Haueter
Vote: 4-0 Martin Michaelson abstaining

Motion to approve the June 18th Executive Session Minutes:

Motion: Nancy Howard
Second: Robin Haueter
Vote: 4-0 Martin Michaelson abstaining

Motion to approve the June 30th Open Meeting Minutes:

Motion: Nancy Howard
Second: George Hitchcock
Vote: 4-0 Martin Michaelson abstaining

Motion to approve the July 7th Public Hearing Minutes:

Motion: George Hitchcock
Second: Martin Michaelson
Vote: 4-0 Nancy Howard abstaining

Motion to approve the July 26th Executive Session Minutes:

Motion: George Hitchcock

Second: Robin Haueter
Vote: 5-0

Motion to approve the July 26th Open Meeting Minutes:

Motion: Robin Haueter
Second: George Hitchcock
Vote: 5-0

Meeting was adjourned at 6:05 pm.

Respectfully Submitted,

Mira Yamaoka

Approved on 8/9/03 by a vote of 4-0 Joyce Guide, Chair